

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ORDER
09-CR-331-A

ISMAEL LOPEZ,

Defendant.

This case was referred to Magistrate Judge Hugh B. Scott pursuant to 28 U.S.C. § 636(b)(1)(B) for pretrial proceedings. Magistrate Judge Scott filed a Report and Recommendation, Dkt. No. 993, recommending denial of motions to suppress evidence and statements filed by defendant Ismael Lopez, Dkt. Nos. 614, 616, 669, 730, and filed a Decision and Order, Dkt. No. 994, granting in part and denying in part defendant's motions for various pretrial relief.

Defendant Lopez filed objections to the recommendation of the Magistrate Judge not to suppress evidence and statements, Dkt. No. 1029, and an appeal of the Decision and Order, *id.*, and the Court heard oral argument on the objections and appeal.

The Court has carefully reviewed the Report and Recommendation, the record in this case, the pleadings and arguments of the parties, and it is hereby **ORDERED**, that pursuant to 28 U.S.C. § 636(b)(1), after *de novo* review,

and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, see Dkt. No. 993, pp. 76-85, defendant Lopez's motions to suppress evidence and statements are denied. There is no clear error in any other portion of the Report and Recommendation pertaining to the defendant, and the Report and Recommendation is therefore adopted as to the defendant.

It is further

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), upon clearly erroneous and contrary to law review, defendant Lopez's appeal of Magistrate Judge Scott's Decision and Order, Dkt. No. 994, is denied.

IT IS SO ORDERED.

Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: July 29, 2014